

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIA SOCORRO RAMIREZ DE
FUENTES,

Plaintiff.

v.
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:20-cv-00685-HBK

ORDER GRANTNG AWARD AND
PAYMENT OF ATTORNEYS FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT

(Doc. No. 19)

Pending before the court is plaintiff's stipulated motion for attorney fees filed April 1, 2021. (Doc. No. 19). Plaintiff seeks attorney's fees and expenses in the amount of \$2,825.00 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

On March 1, 2021, this Court granted the parties' Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 18). Plaintiff now requests an award of fees as the prevailing party under that order. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993)

1 (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a
2 prevailing party).

3 The Commissioner does not oppose the requested relief. (*See* Doc. No. 19 at 3). After
4 issuance of an order awarding EAJA fees and costs, the United States Department of the Treasury
5 will determine whether plaintiff owes a debt to the government. If plaintiff has no discernable
6 federal debt, the government will accept plaintiff's assignment of EAJA fees and pay the fees
7 directly to plaintiff's counsel.

8 Accordingly, it is **ORDERED**:

9 1. Plaintiff's stipulated motion for attorney fees and expenses (Doc. No. 19) is
10 **GRANTED**.

11 2. Plaintiff is awarded fees in the amount of two thousand eight hundred and twenty-five
12 dollars (\$2,825.00) in attorney fees and expenses. Unless the Department of Treasury determines
13 that plaintiff owes a federal debt, the government must pay the fees to plaintiff's counsel in
14 accordance with plaintiff's assignment of fees and subject to the terms of the stipulated motion.

15 IT IS SO ORDERED.
16

17 Dated: April 6, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE